

of this section, or, as appropriate, participate satisfactorily in an officers' training program as provided in paragraph (b) (3) of this section. However, membership of such individuals in the Standby Reserve as a result of the screening process prescribed in Part 53 of this subchapter will constitute satisfactory performance of service for continued deferment. In the interest of uniformity, standards for continued deferment under section 262 of 69 Stat. 600, 50 U. S. C. 1013, and paragraph (2) subsection 6 (d) of 62 Stat. 611, 50 U. S. C. App. 456, should be the same as those prescribed in this paragraph.

(f) Individuals in order to continue in a draft-deferred status under provisions of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 610, as amended, 50 U. S. C. App. 456, shall be required to meet the standards of satisfactory performance of training duty set forth in paragraph (c) of this section, or participate satisfactorily in an officers' training program as provided in paragraph (b) (3) of this section.

§ 45.4 *Compliance measure.* Individuals subject to the participation requirements of subsection 208 (f) of 69 Stat. 598, 50 U. S. C. 928, except those enlisted in the Reserve under provisions of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 610, as amended, 50 U. S. C. App. 456, may for failure to perform training duty satisfactorily as defined above, be ordered to active duty for training for not more than 45 days. A member who fails to comply with orders to perform such active duty for training becomes liable to disciplinary action under the Uniform Code of Military Justice.

§ 45.5 *Cancellation of draft deferment.* (a) Except for an individual enlisted under the provisions of clause (C), paragraph (2), of subsection 6 (c) of 62 Stat. 610, as amended, 50 U. S. C. App. 456, no individual enlisted in the Reserve in a draft-deferred status should be certified to the Selective Service System for induction for two years active training and service unless application of the 45-day compliance measure has failed to induce satisfactory performance of training duty. No such individual will be so certified, however, until he has registered with Selective Service.

(b) The following individuals shall be reported to the local Selective Service Board for induction:

(1) Subject to considerations set forth in paragraph (a) of this section, persons enlisted in the Reserve under provisions of clause (C), paragraph (2), subsection 6 (c), of 62 Stat. 610, as amended, 50 U. S. C. App. 456, and section 262 of 69 Stat. 600, 50 U. S. C. 1013, who fail to serve satisfactorily.

(2) Individuals, who have been appointed as Reserve officers under subsection 6 (d) of 62 Stat. 611, 50 U. S. C. App. 456, and have not been required to perform active training and service, who fail to perform satisfactory service.

§ 45.6 *Revocation of commission.* Revocation of commission under the provisions of subsection 6 (d) of 62 Stat. 611, 50 U. S. C. App. 456, will be effected only after the individual concerned has been certified to Selective Service as provided in § 45.5 (b) (2).

## Part 46—Optional Retirement

### Subpart B—Election of Options

Sec.

46.203 Election of options. [Amended]

### Subpart D—Reduction of Retired Pay

46.403 Payment of non-withheld reduction of retired pay. [Amended]

**AUTHORITY NOTE:** The citation of authority for Part 46 is changed to read:

**AUTHORITY:** §§ 46.101 to 46.602 issued under sec. 1444, 70A Stat. 111; 10 U. S. C. 1444. Interpret or apply E. O. 10499, 18 F. R. 7003, 3 CFR, 1953 Supp.

### SUBPART B—ELECTION OF OPTIONS

§ 46.203 *Election of options.* (a) An active member who on November 1, 1953 has completed over 18 years' service which is creditable in the computation of basic pay may elect to receive a reduced amount of any retired pay which may be awarded him as the result of service in his uniformed service in order to provide one or more of the annuities as specified in §§ 46.201 and 46.202 payable after his death in a retired status to or on behalf of his surviving widow, child, or children. To be effective the election by such member on active duty must be signed, witnessed, and delivered to appropriate service officials or postmarked not later than November 1, 1954. For such members not on active duty, the election must be signed and postmarked not later than November 1, 1954, or signed by the member and delivered to appropriate service officials not later than November 1, 1954. The ap-

appropriate service official receiving the election will record the date and time of delivery by stamping the election letter or envelope accompanying the election, or by issuing an indorsement or other form of receipt as evidence of the date and time of delivery of such election.

(b) An active member who on November 1, 1953, has not completed over 18 years' service which is creditable in the computation of basic pay may elect to receive a reduced amount of any retired pay which may be awarded him as the result of service in his uniformed service in order to provide one or more of the annuities as specified in §§ 46.201 and 46.202 payable after his death in a retired status to or on behalf of his surviving widow, child, or children. The election by such member on active duty must be signed, witnessed, and delivered to appropriate service officials or postmarked not later than the day preceding the date of completion of 18 years' service or November 1, 1954, whichever is later. For such members not on active duty the election must be signed and postmarked or signed and delivered to appropriate service officials not later than the day preceding the date of completion of 18 years' service or November 1, 1954, whichever is later. In cases of elections not postmarked, the appropriate service official receiving the election will record the date and time of delivery by stamping the election letter or envelope accompanying the election, or by issuing an indorsement or other form of receipt as evidence of the date and time of delivery of such election. A member who fails to make an election prior to the completion of 18 years' service on November 1, 1954, whichever is later, may not thereafter be covered by any provision of the act.

[Paragraphs (a) and (b) amended, 20 F. R. 1777, Mar. 24, 1955]

(f) A member or former member who was awarded retired pay before November 1, 1953 has until April 30, 1954 to make such election. Notwithstanding any other provision of this section, a member, including those with less than 18 years' service, retired during the period November 1, 1953 and April 30, 1954, shall have until April 30, 1954 to make such election. A member retired during the period May 1, 1954 and November 1,

1954, shall have until November 1, 1954, to make such election.

[Paragraph (f) amended, 20 F. R. 1778, Mar. 24, 1955]

#### SUBPART D—REDUCTION OF RETIRED PAY

##### § 46.403 *Payment of non-withheld reduction of retired pay.* \* \* \*

(d) The aforementioned agency will, after 30 days have elapsed since due date of a deposit, inform the member concerned that he is delinquent from such due date and thereafter his widow, child, or children will not be eligible for the annuity provided under the act until the arrears have been paid. The notification of delinquency will advise the member that 15 additional days have been granted to him in which to remit his deposit, and that if the amount required to be deposited is not remitted within that period the member will be charged interest to include the first day of delinquency. In no case will the expiration date of the 15 days exceed a date later than 45 days from the date the deposit was due. The interest will be compounded annually and the rate will be that in effect at the time the reduction in retired pay commenced or should have commenced. If such member becomes in receipt of retired pay, any arrears with compound interest will be withheld from the retired pay.

[Paragraph (d) amended, 20 F. R. 1778, Mar. 24, 1955]

### Part 47—Servicemen's Dependents Allowances

**AUTHORITY NOTE:** The citation of authority for § 47.1 is changed to read: "Sec. 302, 63 Stat. 812, as amended; 37 U. S. C. 252."

### Part 48—Fulfilling the Military Service Obligation [Added]

Sec.

- 48.1 Purpose.
- 48.2 Cancellation.
- 48.3 Applicability.
- 48.4 The military service obligation.

**AUTHORITY:** §§ 48.1 to 48.4 issued under secs. 4, 6, 62 Stat. 605, as amended, 609, as amended; 50 U. S. C. App. 454, 456. Interpret or apply sec. 262, 69 Stat. 600, as amended, secs. 1, 2, 70 Stat. 333; 50 U. S. C. 1013, 1411, 1412.

**SOURCE:** §§ 48.1 to 48.4 appear at 23 F. R. 3851, June 4, 1958.